

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

IN THE MATTER OF:

1. The Illinois Department of Human Rights (IDHR) has a statutory period in which to conduct investigations of discrimination charges.

2. If the IDHR fails to make a timely determination on the merits of his charge, a complainant can file a complaint on his own behalf with the Illinois Human Rights Commission. The complainant cannot file that complaint until the expiration of the IDHR's investigation period.

3. The complaint in this matter was filed before the expiration of the IDHR's investigation period.

4. The investigation period continues to run.

5. The complaint in this matter must be dismissed without prejudice.

DISCUSSION

Complainant, Fred Hollingworth, filed the complaint in this matter on his own behalf. That complaint, however, was not filed within the appropriate time frame.

The Illinois Department of Human Rights (IDHR) has a statutory period within which to conduct investigations of discrimination charges. If the IDHR fails to make a timely determination on the merits of his charge, a complainant can file a complaint on his own behalf with the Illinois Human Rights Commission. The complainant, though, cannot file that complaint until the expiration of the IDHR's investigation period. See 775 ILCS 7A-102(G).

Complainant in this case failed to file his complaint within the "window" of time for filing such complaints. In fact, the parties now agree that Complainant's window will not open until sometime in August of 2010. Accordingly, Complainant has moved to dismiss his own complaint.

The IDHR has yet to make a determination on the merits of Complainant's charge of discrimination. The statutory investigation period continues to run. On these facts, it is appropriate to dismiss the complaint without prejudice and allow the IDHR to continue its investigation.

RECOMMENDATION

Based upon the foregoing, it is recommended that the complaint in this matter be dismissed without prejudice so that the IDHR investigation of the underlying charge can continue.

HUMAN RIGHTS COMMISSION

BY: _____
MICHAEL J. EVANS
CHIEF ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: July 16, 2010